

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND

IN RE: )  
 ) Case No. 09-27812  
DONALD E. VODUSEK, JR. ) (Chapter 13)  
A/K/A DONALD EDWARD VODUSEK, JR., )  
Debtor. )  
\_\_\_\_\_)  
 )  
NISSAN MOTOR ACCEPTANCE CORPORATION, )  
 )  
Movant, )  
 )  
v. )  
 )  
DONALD E. VODUSEK, JR. )  
A/K/A DONALD EDWARD VODUSEK, JR., )  
 )  
Respondent. )  
\_\_\_\_\_)

MOTION FOR RELIEF FROM THE STAY

COMES NOW Nissan Motor Acceptance Corporation (hereinafter "Nissan"), the holder of an allowed secured claim in the above matter, by and through counsel, and pursuant to §362(d) of the Bankruptcy Code (11 U.S.C. §362(d)), requests this Court to grant it relief from the stay in this matter as to certain property titled in the name of the debtor and respondent, Donald E. Vodusek, Jr., a/k/a Donald Edward Vodusek, Jr., and for grounds therefor states as follows:

1. That on or about July 14, 2008, the debtor, Donald E. Vodusek, Jr., a/k/a Donald Edward Vodusek, Jr., entered into a Maryland Simple Interest Retail Installment Contract with Herb Gordon Nissan for the purchase of a 2008 Nissan Titan Truck, VIN: 1N6AA07C68N355395. Said agreement obliged the debtor to pay for

such purchase through seventy-two (72) regular monthly payments of Five Hundred Six and 19/100 Dollars (\$506.19) beginning on August 13, 2008 and continuing on the thirteenth (13th) day of each month thereafter. A copy of the agreement is attached hereto as Nissan's Exhibit 1.

2. That all rights, title and interest in the subject agreement and vehicle have been assigned to Nissan.

3. That at all times relevant hereto Nissan has had a duly perfected security interest in the debtor's 2008 Nissan Titan Truck, VIN: 1N6AA07C68N355395. A copy of the Notice of Security Interest Filing evidencing Nissan's lien interest is attached hereto as Nissan's Exhibit 2.

4. That on or about September 21, 2009, the debtor filed the instant proceeding in this Court. The debtor's Chapter 13 Plan provides that he will satisfy his obligation to Nissan outside of the Plan.

5. That as of the date of this motion, the debtor's account with Nissan is past due for the regular monthly payments of Five Hundred Six and 19/100 Dollars (\$506.19) for October 13, 2009, November 13, 2009, and December 13, 2009, with a total post-petition arrearage of One Thousand Five Hundred Eighteen and 57/100 Dollars (\$1,518.57). A copy of the payment history for this account is attached hereto as Nissan's Exhibit 3. In addition, the debtor owes to Nissan the sum of Six Hundred Dollars (\$600.00) for the attorney's fees and court costs which have thus far been incurred

in connection with this matter. Accordingly, there is good and sufficient cause to grant Nissan relief from the stay pursuant to §362(d)(1) of the Bankruptcy Code (11 U.S.C. §362(d)(1)).

WHEREFORE, the above premises considered, the movant, Nissan Motor Acceptance Corporation, requests this Court to relieve it from the stay imposed by §362 of the Bankruptcy Code (11 U.S.C. §362) with respect to the 2008 Nissan Titan Truck, VIN: 1N6AA07C68N355395, owned by the debtor, Donald E. Vodusek, Jr., a/k/a Donald Edward Vodusek, Jr., as well as for such further and additional relief as the nature of the case may require, and which this Honorable Court shall deem just and proper.

NISSAN MOTOR ACCEPTANCE CORPORATION  
By Counsel

YOUNG, GOLDMAN & VAN BEEK, P.C.

By: /s/ John P. Van Beek  
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Attorneys for the Movant,  
Nissan Motor Acceptance Corporation

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of January, 2010, a copy of the foregoing was served electronically on Jonathan Gladstone, Esq., 113 Ridgely Avenue, Annapolis, MD 21401 and Ellen W. Cosby, P.O. 20016, Baltimore, MD 21284-0016, and served by first class mail, postage pre-paid, on Donald E. Vodusek, Jr., a/k/a Donald Edward Vodusek, 1833 Fox Hollow Run, Pasadena, MD 21122.

/s/ John P. Van Beek  
John P. Van Beek